

## JOURNAL OF THE HOUSE.

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Thursday, July 19, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Ever-present God, we are grateful to You for our many daily material and spiritual blessings. We are thankful too, for Your spiritual gifts which enable us to carry out our daily personal legislative and family responsibilities and to cope with the stress of each day. As elected leaders facing current and future needs of people and the Commonwealth, we pray for the vision to comprehend issues in a clear, objective and realistic manner. Grant us the wisdom and the prudence to select the legislative choices and options which increase the confidence of constituents in our long-standing basic institutions and values. Inspire us to work together in building peaceful and civil communities.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Appointment to Special Commission.*

The Minority Leader announced the appointment of Representative Gifford of Wareham as his designee to the special commission established (under Section 84 of Chapter 61 of the Acts of 2007) to review the current state of the homeowners' insurance market.

Homeowners  
insurance.

### *Resolutions.*

Resolutions (filed with the Clerk by Ms. Khan of Newton and other members of the House) honoring Kathleen M. Dennehy for thirty-one years of service in the Department of Correction, were referred, under Rule 85, to the committee on Rules.

Kathleen M. Den-  
nehy.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Communications.*

#### Communications

From the Executive Office of Labor and Workforce Development relative to the delayed submission of the annual performance report of the Workforce Standards and Performance Accountability Task Force;

Workforce  
Standards  
Task Force.

Medford,  
municipal  
partnerships.

Lancaster,  
municipal  
partnerships.

Randolph,  
sewer rates.

Randolph,  
cable TV.

Wilmington,  
MWRA  
membership.

From the city council of the City of Medford submitting resolutions approved by said council supporting the municipal partnership legislation currently pending before the General Court;

From the board of selectmen of the town of Lancaster submitting resolutions approved by said board supporting the municipal partnership legislation currently pending before the General Court;

From the town of Randolph transmitting resolutions of said town relative to the sewer rate relief fund;

From the town of Randolph transmitting resolutions of said town relative to the municipal consent process for competitive providers of cable television service; and

From the Water Resources Commission (under Section 8C of Chapter 21 of the General Laws and 313 CMR 4.06(3)) relative to the approval of an Interbasin Transfer Act request from the town of Wilmington to become a member of the Massachusetts Water Resources Authority water works system;

Severally placed on file.

#### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Hall of Westford, joint petition (accompanied by bill, House, No. 4165) of Geoffrey D. Hall and Steven C. Panagiotakos (by vote of the town) for legislation to authorize the transfer of a portion of conservation land in the town of Westford to the council on aging for expansion of the Cameron Senior Center of said town;

By Ms. L'Italien of Andover, petition (accompanied by bill, House, No. 4166) of Barbara A. L'Italien and others (by vote of the town) for legislation to increase the membership of the board of selectmen of the town of Georgetown;

By Mr. Rush of Boston, petition (accompanied by bill, House, No. 4167) of Michael F. Rush (with the approval of the mayor and city council) relative to the issuance of permits for the erection of garages in the first fire zone, so-called, in the city of Boston;

By the same member, petition (accompanied by bill, House, No. 4168) of Michael F. Rush (with the approval of the mayor and city council) relative to increasing to one thousand dollars the maximum amount that may be imposed by fines for violation or ordinances in the city of Boston; and

By Ms. Callahan of Sutton, joint petition (accompanied by bill, House, No. 4173) of Jennifer M. Callahan (by vote of the town) that the town of Bellingham be authorized to establish certain revolving funds;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Ayers of Quincy, petition (subject to Joint Rule 12) of Bruce J. Ayers that residents of the Commonwealth serving in the military be exempt from payment of state income taxes.

Military,  
income  
taxes.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the city of North Adams to said city.

By Ms. Campbell of Methuen, petition (subject to Joint Rule 12) of Linda Dean Cambell that the Registrar of Motor Vehicles be directed to issue a distinctive registration plate inscribed with "Support Our Troops" commemorating service in the armed forces.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to provide tuition waivers for higher education for children of disabled veterans.

By Ms. Gifford of Wareham, joint petition (subject to Joint Rule 12) of Susan Williams Gifford and Marc R. Pacheco for legislation to establish the North Carver Water District in the town of Carver.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian that Mary M. Dyer of the town of Watertown be credited with certain service with the state teachers' retirement system.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 12) of Peter V. Kocot for legislation to establish a sick leave bank for Joseph Rohan, an employee of the Franklin/Hampshire Division of the Juvenile Court Department of the Trial Court.

By Mr. Linsky of Natick, petition (subject to Joint Rule 12) of David Paul Linsky and others that the Division of Capital Asset Management and Maintenance be authorized to lease to the town of Natick a portion of property of the National Guard Armory located in said town.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone that certain investigators of the Alcoholic Beverages Control Commission be placed in Group 4 of the public employees retirement law.

By Ms. Richardson of Framingham, petition (subject to Joint Rule 12) of Pam Richardson relative to the liability of cities and towns for injuries sustained by persons traveling on unsafe roadways under the jurisdiction of such municipalities.

By Mr. Scibak of South Hadley, petition (subject to Joint Rule 12) of John W. Scibak relative to the appointment of a first assistant clerk for the Juvenile Court of Franklin and Hampshire counties.

By Mr. Smola of Palmer, petition (subject to Joint Rule 12) of Todd M. Smola for legislation to prohibit certain children from riding as passengers on motorcycles.

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services.

Severally, under Rule 24, to the committee on Rules.

#### *Papers from the Senate.*

The House Bill relative to certain written majority authorization evidence of collective bargaining results (House, No. 2465, amended) (its title having been changed by the Senate committee on Bills in

North Adams,  
land  
conveyance.

Support Our  
Troops  
license  
plates.

Disabled  
veterans,  
tuition  
waivers.

North Carver  
Water District.

Mary M.  
Dyer,  
service  
credits.

Joseph  
Rohan,  
sick leave.

Natick,  
National  
Guard  
Armory.

Beverage  
investigators,  
Group 4.

Unsafe  
roads,  
liability.

Franklin/  
Hampshire  
Juvenile Court.

Motorcycles,  
children.

Savina  
Whitney,  
sick leave.

Collective  
bargaining.

Collective  
bargaining.

the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4 (as printed) adding at the end thereof the following sentence: "As used in this paragraph, the term 'employer' shall not include a health care facility, a non-profit institution or a vendor who contracts with or receives funds from the commonwealth or a political subdivision thereof to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training or other similar services to the commonwealth or a political subdivision thereof."

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Juror  
service.

A Bill to improve juror service (Senate, No. 2261, amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to improve juror service, therefore, it is hereby declared to emergency law, necessary for the immediate preservation of the public convenience.") (on House, No. 4090), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Timilty of Milton, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: "An Act improving juror service."

Middle-  
borough,  
tax  
payments.

A Bill authorizing the town of Middleborough to deposit certain tax payments received into its land acquisition fund (Senate, No. 1187) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Food allergy,  
restaurants.

A report of the committee on Community Development and Small Business, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 136) of Cynthia S. Creem, Lida E. Harkins, Christine E. Canavan, Ruth B. Balser and other members of the General Court for legislation relative to food allergy awareness in restaurants, and recommending that the same be referred to the committee on Public Health,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

The following order came from the Senate with the endorsement that it had been adopted by said branch:

"Ordered, That a joint session of the two branches be held on Thursday, July 19, 2007 at one o'clock P.M., in the House Chamber for the purpose of honoring Nobel Prize Winner Doctor Craig Mello of the University of Massachusetts Medical Center in Worcester and to attend to any remarks that he may wish to relate."

The order then was adopted, in concurrence.

Joint session,  
Dr. Craig  
Mello.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2293) of Susan C. Tucker and Barry R. Finegold for legislation relative to antique barometers. To the committee on Environment, Natural Resources and Agriculture.

Antique  
barometers

Petition (accompanied by bill, Senate, No. 2294) of Michael R. Knapik and Rosemary Sandlin for legislation to authorize the Department of Capital Asset Management and Maintenance to grant certain easements in the towns of Russell and Montgomery over lands held for conservation and recreation purposes. To the committee on Bonding, Capital Expenditures and State Assets.

Russell,  
Montgomery,  
land  
conveyance.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Joint petition (accompanied by bill) of Barry R. Finegold and Susan C. Tucker for legislation to establish a sick leave bank for Colleen Hannon, an employee of the Middlesex County Division of the Juvenile Court. To the committee on the Judiciary.

Colleen  
Hannon,  
sick leave.

Petition (accompanied by bill) of Brian P. Wallace for legislation to establish a sick leave bank for Karen Byrnes, an employee of the Department of Conservation and Recreation. To the committee on Public Service.

Karen  
Byrnes,  
sick leave.

Petition (accompanied by resolutions) of David Paul Linsky and others for adoption of resolutions by the General Court memorializing the Congress and the President of the United States to end the war in Iraq. To the committee on Veterans and Federal Affairs.

Iraq War, with-  
drawal.

Under suspension of the rules, on motion of Mr. Linsky of Natick, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill making provision for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4171. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wallace Civic  
Center and  
Planetarium,  
operation.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House, with the amendment pending.

Wallace Civic  
Center and  
Planetarium,  
operation.

Under suspension of Rule 1A, on motion of Mr. DiNatale of Fitchburg, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2209, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to the Wallace Civic Center and Planetarium in the city of Fitchburg."

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. DiNatale moved to amend it by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the management and operation of the civil center and planetarium in the city of Fitchburg, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (Senate, No. 2209, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Sandwich,  
liquor  
license.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill authorizing the town of Sandwich to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2268),— and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Mental  
health  
care.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to mental health services in Massachusetts correctional institutions, houses of correction and jails (House, No. 1887).

Prisoners,  
treatment.

By the same member, for the same committee, on a petition, a Bill relative to the treatment of prisoners (House, No. 1896, changed in line 16 by striking out the word "insure" and inserting in place thereof the word "ensure" and in line 22 by striking out the words "licensed psychiatrist" and inserting in place thereof the words "physician board certified in psychiatry or a licensed psychologist").

Severally referred; under Joint Rule 1E, to the committee on Health Care Financing.

Abandoned  
vessels.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to abandoned vessels (House, No. 726).

State  
buildings, recy-  
cling

By the same member, for the same committee, on a petition, a Bill to require recycling in public buildings (House, No. 853).

By the same member, for the same committee, on a petition, a Bill relative to abandoned vessels (House, No. 3781).

By the same member, for the same committee, on House, No. 822, a Bill to direct the Secretary of Environmental Affairs to implement a voluntary "green dot" recycled content labeling program (House, No. 4169).

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on House No. 1862, reported, in part, a Bill relative to worker's compensation (House, No. 4170).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to National Guard pay (House, No. 2777).

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill providing for a certain exemption from the sales tax (House, No. 2876).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to pension divestment (Senate, No. 2255, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4172. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill providing for the election of city councillors and school committee persons within the city of Springfield (House, No. 4071) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 738 and 3780, a Bill to increase recycling by landlords and tenants (House, No. 738).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the appointment of Mark Walsh to the position of police officer in the town of Stoneham (House, No. 2435).

By the same member, for the same committee, on House, Nos. 2531 and 2801, a Bill relative to labor relations (House, No. 2531).

By the same member, for the same committee, on a petition, a Bill relative to the appointment of firefighters and police officers (House, No. 2696).

By the same member, for the same committee, on a petition, a Bill relative to certain members of the Cambridge retirement system (House, No. 4024) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Linda M. Supernor, an employee of the Department of Revenue (House, No. 4163).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Abandoned  
vessels.

Green Dot  
labeling  
program.

Worker's  
compensation.

National guard,  
income tax.

Personal  
property,  
sales tax.

Pension  
divestment.

Springfield,  
election.

Recycling.

Stoneham,  
Mark  
Walsh.

Labor  
relations.

Fire fighters  
and police,  
appointment.

Cambridge retire-  
ment board.

Linda  
Supernor,  
sick leave.

Recess.

*Recess.*

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. DiNatale of Fitchburg (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Juror service.

*Emergency Measure.*

The engrossed Bill improving juror service (see Senate, No. 2261, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 34 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Bills enacted.

Engrossed bills

Relative to the Newton Community Development Authority and the Newton Housing Authority (see Senate, No. 1162) (which originated in the Senate);

Relative to the investment of trust funds for the city of Newton (see House, No. 3951);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to drunk on the premises (see House, No. 4049);

Changing the name of the Massachusetts College of Art to the Massachusetts College of Art and Design (see House, No. 4088); and

Relative to the at-large preliminary election in the city of Boston in 2007 (see House, No. 4162);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Real estate tax.

The engrossed Bill relative to municipal real estate tax notices (see Senate, No. 1691) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted, yea and nay No. 120.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 120 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Municipal health insurance.

The engrossed Bill to reduce the reliance on property taxes through municipal health care (see House, No. 4110, amended) (which originated in the House), having been certified by the Clerk

to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Ms. Kaprielian of Watertown; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 121 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted, yea and nay No. 121.

Pension fund investment.

The engrossed Bill to reduce the stress on local property taxes through enhanced pension fund investment (see House, No. 4125, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 140 members voted in the affirmative and 14 in the negative.

Bill enacted, yea and nay No. 122.

**[See Yea and Nay No. 122 in Supplement.]**

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Wellesley, James and Pamela Broderick.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill re-enacted (land taking), yea and nay No. 123.

**[See Yea and Nay No. 123 in Supplement.]**

Therefore the bill was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

*Joint Session.*

A Joint Session was convened at two o'clock P.M. for the purpose of honoring Nobel Prize Winner Dr. Craig Mello of the University of Massachusetts. For Joint Session, see Journal of the Senate.

Dr. Craig Mello.

*Orders of the Day.*

The Senate Bill relative to property owned by the Boys and Girls Club of Brockton, Inc. (Senate, No. 2175), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

Third reading

bill.

The House Bill relative to licensing board salaries in the city of Boston (House, No. 2012) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second  
reading  
bills.

Senate bills

To prohibit internet hunting (Senate, No. 860, amended);

Establishing the Taunton economic development fund (Senate, No. 1192);

Authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2270); and

Authorizing the town of Ashburnham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2271); and

House bills

Designating a certain parcel of land in the town of Canton as the Clyde S. Pushard Field (House, No. 750);

Relative to the Massachusetts State Employees Credit Union (House, No. 1015);

To simplify the transfer of title to condominium units (House, No. 1246);

Relative to the confidentiality of loan applications (House, No. 4146);

Authorizing the town of Foxborough to grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4147); and

Relative to additional liquor license in the city of Salem (House, No. 4148);

Severally were read a second time; and they were ordered to a third reading.

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after two o'clock P.M., on motion of Mr. Golden of Lowell (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.